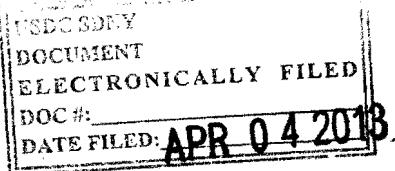


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TOKYO, LONDON, BRUSSELS,  
BEIJING, SHANGHAI, HONG KONG,  
SINGAPORE

April 2, 2013



Writer's Direct Contact  
212.506.7341  
NRosenbaum@mofo.com

Via Fax**MEMO ENDORSED**

The Honorable J. Paul Oetken  
United States District Judge  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Room 2101  
New York, NY 10007

*Appeal is hereby  
dismissed.  
Case is closed.*

**SO ORDERED:**

Re: Appellee's Consent to Dismissal of Appeal – *In re Residential Capital LLC*,  
Bankruptcy Appeal No. 12-CIV-09291 (JPO) J. PAUL OETKEN  
U.S.D.J. 4-3-13

Dear Judge Oetken:

We are counsel to Residential Capital, LLC (“ResCap”) and GMAC Mortgage, LLC (“GMAC Mortgage”)<sup>1</sup> and their affiliated debtors and debtors in possession (the “Debtors”) in the above-captioned appeal and in their jointly administered chapter 11 bankruptcy cases pending in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), Case No. 12-12020 (MG). Appellant Kenneth J. Taggart appealed an order of the Bankruptcy Court denying four motions Mr. Taggart filed in the Debtors’ chapter 11 cases. The appeal was docketed on December 20, 2012.

<sup>1</sup> While the docket indicates that ResCap is the appellee in this appeal, the Debtors believe that GMAC Mortgage should be named as appellee. Mr. Taggart’s various lawsuits name GMAC Mortgage, although not ResCap, as a defendant; the motions filed in the Debtors’ chapter 11 cases sought clarification of the stay and sanctions as it related to GMAC Mortgage; and Mr. Taggart’s prior business relationships with the Debtors were primarily with GMAC Mortgage.

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The Honorable J. Paul Oetken  
April 2, 2013  
Page Two

Thereafter, on March 13, 2013, Mr. Taggart filed a *Praeclipe to Withdraw Appeal from Order (Docket #2098) Dated 11/7/12* [Docket No. 6].<sup>2</sup> Rule 8001(c) of the Federal Rule of Bankruptcy Procedures provides as follows:

If an appeal has been docketed and the parties to the appeal sign and file with the clerk of the district court or the clerk of the bankruptcy appellate panel an agreement that the appeal be dismissed and pay any court costs or fees that may be due, the clerk of the district court or the clerk of the bankruptcy appellate panel shall enter an order dismissing the appeal. An appeal may also be dismissed on motion of the appellant on terms and conditions fixed by the district court or bankruptcy appellate panel.

Please accept this letter as the ResCap and GMAC Mortgage's agreement to the dismissal of Mr. Taggart's appeal.

Prior to sending this letter, counsel for the Debtors contacted Clerk of the Court for both the District Court and the Bankruptcy Court. The Debtors were informed by the office of the Clerk of the District Court that any fees due for the appeal would have been payable to the Clerk of the Bankruptcy Court. The office of the Clerk of the Bankruptcy Court indicated that all fees payable to it had been paid. Accordingly, the Debtors believe that Mr. Taggart's appeal may now properly be dismissed, subject to any additional requirements the Court may impose.

Very truly yours,

  
Norman S. Rosenbaum

CC:

Kenneth J. Taggart (by email)

<sup>2</sup> A copy of Mr. Taggart's filing is attached hereto as Exhibit 1.

EXHIBIT 1

12-01945-mg Doc 12 Filed 02/26/13 Entered 03/01/13 14:58:54 Main Document  
Pg 1 of 4

## UNITED STATES BANKRUPTCY COURT

### SOUTHERN DISTRICT OF NEW YORK

Civil Case# 12 – cv 12020

**Residential Capital, LLC, et al**  
**Debtor**

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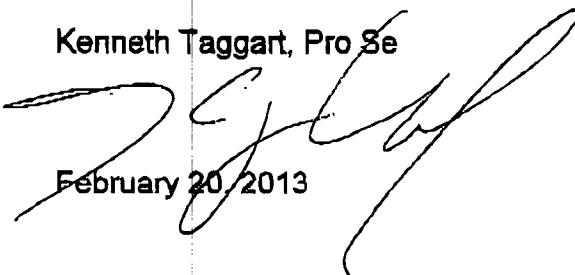
Response by Kenneth Taggart to Motion filed by Residential Capital, LLC on January 26, 2013. Docket #2942 & letter from Debtors on January 25, 2013.

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Kenneth Taggart has responded to Debtors request to voluntarily withdraw the Adversary Complaint (#12-01945 Taggart v GMAC Mortgage, LLC et al) in this case. Kenneth Taggart file a voluntary petition to withdraw his complaint with the court today via UPS as attached. GMAC offered to withdraw Motion(s) for Sanctions & Implementation of Injunctive Relief if Adversary Complaint was withdrawn (see Exhibit) upon

Defendants, GMAC Mortgage, LLC & Residential Capital, LLC agreed to withdraw the Motion for Sanctions & Implementation of Injunctive Relief baring additional filings in this court without leave. In addition, Taggart is by no means admitting that claims are frivolous, he is simply withdrawing the claims in this court. Any and all filings in this court have been in good faith and Taggart will make every attempt to resolve any claims with Debtors. There should be no sanctions or Injunction imposed upon Taggart for any additional filings.

Kenneth Taggart, Pro Se

  
February 20, 2013

12-01945-mg Doc 12 Filed 02/26/13 Entered 03/01/13 14:58:54 Main Document  
Pg 2 of 4

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

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**ADVERSARY COMPLAINT #12-01945**  
**(RE: Civil Case# 12 – cv 12020)**

**Taggart v GMAC Mortgage, LLC et al**

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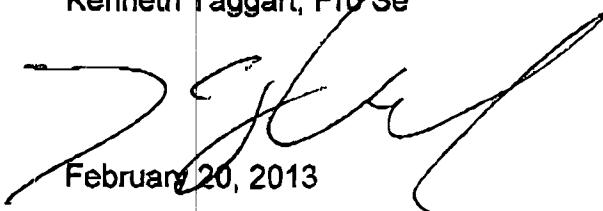
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**Praecipe to Withdraw Adversary Complaint #12-01945**

---

Kenneth Taggart hereby voluntarily files this praecipe to withdraw the Adversary Complaint filed in this court being case number #12-01945 (related to the bankruptcy case # 12-12020).

Kenneth Taggart, Pro Se

  
February 20, 2013

12-01945-mg Doc 12 Filed 02/26/13 Entered 03/01/13 14:58:54 Main Document Pg 3 of 4

Page 1 of 1

**Ken Taggart**

From: "Newton, James A." <JNewton@mofo.com>  
Date: Tuesday, February 19, 2013 9:21 AM  
To: <Appraisals@verizon.net>; <kentaggart@verizon.net>  
Attach: 2942.pdf  
Subject: ResCap/ GMAC Mortgage Rule 9011 Motion  
Mr. Taggart:

Attached, please find a copy of the Bankruptcy Rule 9011 motion we filed on Saturday. Please let us know if you will be withdrawing your complaint so that we can avoid going forward with this motion. Thank you.

Regards,

James

James A. Newton | Morrison & Foerster LLP  
1290 Avenue of the Americas | New York, NY | 10104-0050  
T. 212.336.4116 | C. 415.335.0870  
[jnewton@mofo.com](mailto:jnewton@mofo.com)

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Pg 4 of 4

**Certificate of Service**

**Case # Civil Case# 12 – cv 12020                      Residential Mortgage Capital, et al**

**& Adversary Case # 12-01945 Taggart v GMAC Mortgage, LLC et al**

The undersigned certifies that on February 20, 2013, he caused a copy of :

**Response by Kenneth Taggart to Motion filed by Residential Capital, LLC  
on January 26, 2013. Docket #2942 & letter from Debtors on January 25,  
2013. (case #12 – cv 12020 Residential Mortgage Capital, et al)**

&

**Praecipe to Withdraw Adversary Complaint #12-01945**

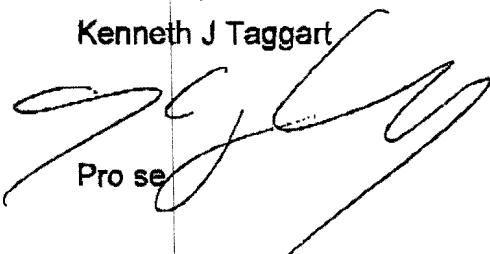
to be delivered to The United States Bankruptcy Court for The Southern District  
of New York via UPS.

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Additionally, the undersigned certifies that he caused a true and correct copy of  
the foregoing Notice to be sent via to United States Post Office on February  
20,2013 to the following parties :

Counsel for Debtors (copy also e-mailed to this party)  
Morrison & Foster, LLP, Larren M Nashelsky, Gary Lee, Lorenzo Marinuzzi  
1290 Avenue of the Americas  
New York, NY. 10104

Kenneth J Taggart

  
Pro se

February 20, 2013